3834.

SUPREME COURT OF THE UNITED STATES.

No. 117.

THE UNITED STATES, PLAINTIFFS,
(ON AN INDICTMENT,)

VS.

JAMES L. DAWSON AND JOHN R. BAYLOR.

ON A CERTIFICATE OF DIVISION BETWEEN THE JUDGES OF THE CIRCUIT COURT OF THE U. S. FOR THE EASTERN DISTRICT OF ARKANSAS.

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GIDEON, Print.

THE UNITED STATES OF AMERICA,
Eastern district of Arkansas.

Be it remembered, that at a circuit court of the United States for the district of Arkansas, continued and holden at the court-house in the city of Little Rock, on the 16th day of April, A. D. 1845, the honorable Benjamin Johnson, United States district judge, holding said court and presiding, the following proceedings were had, to wit:

This day the grand jury of the United States for this district returned into court the following indictment, to wit:

Indictment for the murder of Seaborn Hill, a true bill—P. T. Crutchfield, foreman of the grand jury.

THE UNITED STATES
vs.
JAMES L. DAWSON and JOHN R. BAYLOR.

Which bill of indictment is in the following words and figures, to wit:

THE UNITED STATES OF AMERICA,
District of Arkansas, sct.

In the circuit court of the United States, begun and holden within and for the district aforesaid, at the April term thereof, A. D. 1845.

The grand jurors of the United States of America, duly elected, empanneled, sworn, and charged to inquire within and for the body of the district of Arkansas aforesaid, upon their oath present, that James L. Dawson, who is a white man and not an Indian, late of said district, on the eighth day of July, in the year of Christ eighteen hundred and forty-four, with force and arms, in that part and portion of the Indian country west of the Mississippi river that is bounded north by the north line of lands assigned to the Osage tribe of Indians, *produced* east to the State of Missouri, west by the Mexican possessions, south by Red river, and east by the west line of the now States of Arkansas and Missouri, (the same being territory annexed to the said district of Arkansas for the purposes in the act in that behalf made and provided,) to wit, in the district of Arkansas aforesaid, and within the jurisdiction of this honorable court, in and upon one Seaborn Hill, who was a white man and not an Indian, feloniously, wilfully, and of his malice aforethought, did make and assault, and that the said James L. Dawson, a certain pistol of the value of five dollars then and there loaded and charged with gunpowder and one leaden bullet, which pistol the said James L. Dawson in his right hand then and there had and held at, to, against and upon the said Seaborn Hill, then and there feloniously, wilfully, and of his malice aforethought, did shoot and

discharge; and that the said James L. Dawson, with the leaden bullet aforesaid, out of the pistol aforesaid, then and there by force of the gunpowder and shot sent forth as aforesaid, the said Seaborn Hill, in and upon the left breast of him, the said Seaborn Hill, a little below the left pap of him, the said Seaborn Hill, then and there feloniously, wilfully, and of his malice aforethought, did strike, penetrate and wound, giving to the said Seaborn Hill, then and there with the leaden bullet aforesaid, so as aforesaid shot, discharged and sent forth out of the pistol aforesaid, by the said James L. Dawson, in and upon the said left breast of him, the said Seaborn Hill, one mortal wound of the depth of six inches, and of the breadth of half an inch, of which mortal wound the said Seaborn Hill then and there instantly died.

And the jurors aforesaid, upon their oath aforesaid, do further present that John R. Baylor, yeoman, who is a white man and not an Indian, late of said district, on the day and year aforesaid, with force and arms, in the Indian country, west of Arkansas, that is to say, in the Indian country bounded and described as aforesaid, and within the jurisdiction of this court, to wit, in the district aforesaid, feloniously and wilfully, and of his malice aforethought, was present, aiding, abetting and assisting the said James L. Dawson, the felony and murder aforesaid, in manner and form aforesaid, to do and commit, and so the jurors aforesaid, upon their oath aforesaid, do say that the said James L. Dawson and John R. Baylor, the said Seaborn Hill, in manner and form aforesaid, feloniously, wilfully and of their malice aforethought, did kill and murder, contrary to the form of the statute in that behalf made and provided, and against the peace and dignity of the United States of America aforesaid. And this indictment is found on the testimony of witnesses sworn to testify before the grand jury.

S. H. HEMPSTEAD,
Attorney of the United States for the district of Arkansas.

A true bill.

P. T. CRUTCHFIELD,
Foreman of the grand jury.

Filed April 16, 1845.

WM. FIELD, *Clerk*,
By A. H. RUTHERFORD, *D. C.*

And at a circuit court of the United States for the district of Arkansas, continued and holden in the city of Little Rock, at the court-house thereof, on the 14th day of July, A. D. 1846, the Hon. Benjamin Johnson, United States district judge presiding and holding said court, the following proceedings were had, to wit:

Indictment for murder.

THE UNITED STATES OF AMERICA, plaintiff,
vs.
JAMES L. DAWSON and JOHN *H.* BAYLOR,
defendants.

On this day comes the said United States, by S. H. Hempstead,

esquire, district attorney, and, on motion, it is ordered by the court that this case be, and the same is hereby, continued until the next term of this court.

And at a term of the United States circuit court, in and for the district of Arkansas, continued and holden at the court-house in the city of Little Rock, on the 12th day of April, A. D. 1847, (the honorable Benjamin Johnson, United States district judge, presiding and holding said court,) the following proceedings were had, to wit:

The UNITED STATES, plaintiff,
vs.
JAMES L. DAWSON and JOHN R. BAYLOR, defendants.
} Indictment for murder.

At this day come the said United States, by Samuel H. Hempstead, esq., district attorney, and, on motion, it is ordered by the court, that this cause be, and the same is hereby, continued until the next term of this court.

And at a circuit court of the United States, in and for the district of Arkansas, continued and holden at the court-house, in the city of Little Rock, on the 10th day of April, A. D. 1848, (the honorable Benjamin Johnson, United States district judge, presiding and holding said court,) the following proceedings were had, to wit:

The UNITED STATES, plaintiff,
vs.
JAMES L. DAWSON and JOHN *B.* BAYLOR, defendants.
} Charge of murder.

On motion of S. H. Hempstead, esq., it is ordered, that this cause be, and the same is hereby, continued until the next term of this court.

And at a term of the circuit court of the United States, for the district of Arkansas, continued and holden at the court-house, in the city of Little Rock, on the 11th day of April, A. D. 1849, (the honorable Benjamin Johnson, United States district judge, presiding and holding said court,) the following proceedings were had, to wit:

The UNITED STATES, plaintiff,
vs.
DAWSON and BAYLOR, defendants.
} Indictment for murder.

This day comes the said United States, by S. H. Hempstead, esquire, district attorney, and thereupon, on his motion, it is ordered that this case be, and the same is hereby, continued till the next term of this court.

And at a circuit court of the United States, in and for the district of Arkansas, continued and holden at the court-house, in the city of Little Rock, on the 14th day of August, A. D. 1850, (the honorable Daniel Ringo, United States district judge, presiding and holding said court,) the following proceedings were had, to wit:

The UNITED STATES, plaintiff,
vs.
JAMES L. DAWSON and JOHN R. BAYLOR, defendants.
} Indictment for murder.

This day came the United States, by A. Fowler, district attorney, and on his motion, it is ordered by the court, that a capias issue in this case, directed to the marshal of Texas.

And on the 15th day of August, 1850, a writ of capias was issued in this case, which is in the following words and figures, to wit:

THE UNITED STATES OF AMERICA,
District of Arkansas, sct.

The President of the United States of America, to the marshal of the district of Texas, greeting:

You are hereby commanded to take James L. Dawson and John R. Baylor, if they be found in your bailiwick, and them safely keep so that you have their bod*d*ies before the judges of our United States circuit court, in and for the district of Arkansas, at the court-house, in the city of Little Rock, on the first day of our next April term, being the second Monday in said month, to answer the United States, to a bill of indictment found against them, for a murder committed in the Indian country west of the State of Arkansas, and within the sole jurisdiction of our said circuit court of the United States; fail not, but make due return how you have executed this writ.

In testimony whereof Roger B. Taney, chief justice of the United States, hath caused the seal of said court to be hereto affixed [L. S.] this 15th day of August, A. D. 1850, and the year of American independence the 75th.

Attest: WM. FIELD, *Clerk*.

Received October 18th, 1850. Not found.
J. BATES, *U. S. M.*

Returned and filed 23d April, 1851.
Attest: WM. FIELD, *Clerk*,
By R. SEARCY, *D. C.*

At a circuit court of the United States, in and for the eastern district of Arkansas, continued and holden at the court-house, in the city of Little Rock, on the 25th day of April, A. D. 1851, (the honorable Daniel Ringo, United States district judge, presiding and holding said court,) the following proceedings were had, to wit:

The UNITED STATES, plaintiff,
vs.
JAMES L. DAWSON and JOHN BAYLOR, defendants.
} Indictment for murder.

This day come the United States, by A. Fowler, district attorney, and,

on his motion, it is ordered that an alias writ of capias be issued, directed to the marshal of the district of Texas, returnable to the 3d Monday of June next.

And on the 25th day of April, A. D. 1851, an alias capias issued in the following words and figures, to wit:

UNITED STATES OF AMERICA,
Eastern district of Arkansas, sct.

The President of the United States of America, to the marshal of the district of Texas, greeting:

You are hereby commanded to take James L. Dawson and John R. Baylor, if they be found in your bailiwick, and them safely keep so that you have their bodies before the judges of our circuit court of the United States, for the eastern district of Arkansas, at the court-house in the city of Little Rock, on the third Monday of June next, (being the 16th day of said month of June, A. D. 1851,) to answer the United States to a bill of indictment found against them, for a murder committed in the Indian country, west of the State of Arkansas, and within the sole jurisdiction of our said circuit court of the United States. Fail not, but make due return how you have executed this writ.

In testimony whereof, Roger B. Taney, chief justice of the United States, has caused the seal of our said circuit court to be hereto affixed, this 25th day of April, A. D. 1851, and in the 75th year of our independence. [L. S.]

Attest: WM. FIELD, *Clerk*,
By R. SEARCY, *D. C.*

Returned: not executed for want of time.
J. BATES, *U. S. M.*
By DAN'L MARTIN, *Deputy Marshal.*

Filed 10th July, 1851.
Attest: WM. FIELD, *Clerk*,
By R. SEARCY, *D. C.*

And at a circuit court of the United States in and for the eastern district of Arkansas, continued and holden at the court-house in the city of Little Rock, on the first day of May, A. D. 1852, (the honorable Daniel Ringo, United States district judge, presiding and holding said court,) the following proceedings were had, to wit:

The UNITED STATES, plaintiff,
vs.
JAMES L. DAWSON and JOHN *B.* BAYLOR, defendants.
} Indictment for murder.

This day came the United States, by A. Fowler, district attorney, and on his motion, and a proper showing to the court, it is ordered that a pluries capias writ issue in this case to the marshal of the district of Texas, returnable to the first day of the next term of this court, until when this cause is continued.

And on the 17th day of July, A. D. 1851, a pluries writ of capias was issued in the following words and figures, to wit:

THE UNITED STATES OF AMERICA,
Eastern district of Arkansas, sct.

The President of the United States of America, to the marshal of the district of Texas, greeting:

You are hereby commanded, as you have often heretofore been commanded, to take James L. Dawson and John R. Baylor, if they be found within your bailiwick, and them safely keep, so that you have their bodies before the judges of our circuit court of the United States, for the eastern district of Arkansas, at the court-house in the city of Little Rock, on the first day of our April term next, (being the second Monday of said month of April, A. D. 1852,) to answer the United States to a bill of indictment found against them for a murder committed in the Indian country west of Arkansas, and within the sole jurisdiction of our said circuit court of the United States. Fail not, but make due return how you have executed this writ.

In testimony whereof Roger B. Taney, chief justice of the United States, has caused the seal of our said circuit court to be hereto affixed, this 17th day of July, A. D. 1851.

[L. S.]

Attest: WM. FIELD, *Clerk*,
By R. SEARCY, *D. C.*

"Not found in my district.

JOSEPH BATES, *U. S. marshal*,
By JA. H. CLEAVELAND,
Deputy marshal."

"Filed the 1st October, 1852.

WM. FIELD, *Clerk.*"

And on the 20th day of May, A. D. 1852, an alias pluries writ of capias was issued in this cause; which is in the following words and figures, to wit:

"THE UNITED STATES OF AMERICA,
Eastern district of Arkansas.

The President of the United States of America, to the marshal of the United States, for the district of Texas, greeting:

You are hereby again commanded, as we have oftentimes heretofore commanded you, to take James L. Dawson and John R. Baylor, if they be found in your bailiwick, and them safely keep, so that you have their bodies before the judges of [our] circuit court of the United States, in and for the eastern district of Arkansas, at the court-house in the city of Little Rock, on the first day of our next April term, (being the second Monday of April, A. D. 1853,) to answer the U. States to a

bill of indictment found against them for a murder committed in the Indian country west of the State of Arkansas, and within the sole jurisdiction of our said circuit court. Fail not, but make due return how you have executed this writ.

In testimony whereof Roger B. Taney, esq., chief justice of the United States, hath caused the seal of said court to be hereto [L. S.] affixed, this 20th day of May, A. D. 1852, and the year of American independence the 76th.

Attest: WM. FIELD, *Clerk.*"

"Received October 20th, 1852, and executed by arresting the within named James L. Dawson on the 8th day of November, 1852, near Lagrange, in the district of Texas, by conveying him to the eastern district of Arkansas, and by delivering him to Luther Chase, U. States marshal for the said eastern district of Arkansas, at Little Rock, on the 24th of November, A. D. 1852. John R. Baylor not found in my district.

JOS. BATES,
U. S. marshal for the district, Texas.
By JA. H. CLEAVELAND,
Deputy marshal."

Fee for arresting person, $2 00
Return of writ 1 00
Mileage 3,080 miles, going and coming.

"Filed November 26th, 1852.

WM. FIELD, *Clerk.*"

And at a circuit court, begun and holden for the eastern district of Arkansas, at the court-house in the city of Little Rock, on the 11th day of April, A. D. 1853, (the honorable Daniel Ringo, United States district judge, presiding, and holding said court,) the following proceedings were had, to wit:

Indictment for murder.

"THE UNITED STATES, plaintiff,
vs.
JAMES L. DAWSON, defendant.

This day came the United States, by J. Stillwell, esq., United States attorney, and on his motion it is ordered, that the clerk do make out a copy of the indictment in this case, to be served on the said defendant."

And at the same term of the said circuit court of the United States, continued and holden at the court-house in the city of Little Rock, on the 20th day of April, A. D. 1853, the honorable Peter V. Daniel, associate justice of the Supreme Court of the United States, (and assigned to hold the circuit court of the United States, for the district of Arkansas,) presiding, and present the honorable Daniel Ringo, district judge, the following proceedings were had, to wit:

Indictment for murder.

"THE UNITED STATES, plaintiffs,
vs.
JAMES L. DAWSON and JOHN R. BAYLOR, defendants.

This day came the United States, by J. Stillwell, esq., the district attorney, and the defendant, James L. Dawson, was brought to the bar of this court in the custody of the marshal, and by his attorney filed his motion, in writing, to quash the indictment in this case; which motion was argued by counsel, submitted to the court, and taken under advisement, and the said defendant was remanded to the jail of Pulaski county in the custody of the marshal."

Which motion is in the following words and figures, to wit:

"In the circuit court of the United States, for the eastern district of Arkansas.

JAMES L. DAWSON, defendant, ads. THE UNITED STATES OF AMERICA. } Indictment for murder.

And the said defendant comes in his own proper person, and avers that this honorable court has no jurisdiction or power to hear, try, or determine this case and prosecution, and that all its jurisdiction and power in that behalf ceased and was extinguished on the 3d day of March, 1851, when that part of the Indian country in which the offence is charged to have been committed was severed from this district, and made part of a new district, under the jurisdiction of the district court of the United States, for the western district of Arkansas."

"Therefore he moves the court here to quash the indictment in this case, and that he be discharged thereof, and go hence without day.

J. L. DAWSON.
PIKE & CONWAY,
Att'ys for prisoner."

"Filed 20th April, 1853.

WM. FIELD, *Clerk*."

And at a circuit court of the United States, continued and holden for the district aforesaid, at the court-house, in the city of Little Rock, on the 27th day of April, A. D. 1853, the same judges present, the following proceedings were had, to wit:

"THE UNITED STATES, plaintiff,
vs.
JAMES L. DAWSON and JOHN R. BAYLOR, defendants. } Indictment for murder.

This day came the United States, by J. Stillwell, esquire, the district attorney, and the said defendant, James L. Dawson, was brought to

the bar of this court, in the custody of the marshal; whereupon the said defendant, Dawson, by his attorney, A. Pike, esquire, moved the court for the privilege of giving bail in this case; which motion, after hearing the evidence adduced before the court, was submitted to the court, and taken under advisement. Whereupon it was ordered that the said prisoner be remanded to the jail of Pulaski county, in the custody of the marshal."

And at the same time the following further proceedings were had in this cause, to wit:

"THE UNITED STATES, plaintiff,
vs.
JAMES L. DAWSON and JOHN R. BAYLOR, defendants. } Indictment for murder.

This day came the United States, by J. Stillwell, esq., the district attorney, and on his motion it is ordered that the witnesses in this case on the part of the United States be required to enter into a recognisance for their appearance before this court, on the first day of the next term thereof, to give evidence in this case. Whereupon came here, in open court, James Logan and George W. Baldwin, and acknowledge themselves each to owe and be indebted to the United States of America in the sum of five hundred dollars, to be levied of their respective goods and chattels, lands and tenements, to the use of the said United States of America, to be void upon condition that they be and appear before this court, on the first day of their next April term, to give evidence in the case of the United States against James L. Dawson, on indictment for murder, and shall not depart hence without the leave of the court; otherwise to remain in full force and virtue at law."

And at a circuit court of the United States, for the district aforesaid, continued and holden at the court-house, in the city of Little Rock, on the 28th day of April, A. D. 1853, the honorable Peter V. Daniel, associate justice of the Supreme Court of the United States, and assigned to hold the circuit court of the United States for the district of Arkansas, presiding, and present the Hon. Daniel Ringo, United States district judge, the following further proceedings were had, to wit:

THE UNITED STATES, plaintiffs,
vs.
JAMES L. DAWSON and JOHN R. BAYLOR, defendants. } Indictment for murder.

Upon the argument of the motion of the defendants to quash the indictment in this case, the following questions arose and were propounded for the decision of the court, but the judges being divided in opinion on the same, it is upon motion ordered, that they be entered of record and certified to the next term of the Supreme Court of the United States for its opinion and decision thereupon, to wit:

1st. Did the act of Congress entitled "An act to divide the district of Arkansas into two judicial districts," approved the third day of March,

in *in* the year of our Lord one thousand eight hundred and fifty-one, whereby the western district of Arkansas was created and defined, take away the power and jurisdiction of the circuit court of the United States for the eastern district of Arkansas, so that *so that* it cannot proceed to hear, try and determine a prosecution for murder, pending against the prisoner, James L. Dawson, a white man and not an Indian, upon an indictment found, presented and returned into the circuit court of the United States for the district of Arkansas, by the grand jury empanneled for that district, upon the 16th day of April, in the year of our Lord one thousand eight hundred and forty-five, against said James L. Dawson, a white man, for the felonious killing of Seaborn Hill, another white man and not an Indian, on the eighth day of July, A. D. 1844, in that country belonging to the Creek nation of Indians, west of Arkansas, and which formed a part of the Indian country annexed to the judicial district of Arkansas by the act of Congress approved the seventeenth day of June, A. D. 1844, entitled "An act supplementary to the act entitled 'An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers, passed thirtieth June, one thousand eight hundred and thirty-four,'" in which cause, so pending, no trial has as yet been had.

2d. Can the district court of the United States for the western district of Arkansas take jurisdiction of the case aforesaid, upon the indictment aforesaid, so found in the year 1845, in said circuit court for the district of Arkansas?

The President of the United States of America, to the marshal of the Arkansas western district, greeting:

You are hereby commanded to summon George W. Baldwin, if he be found within your bailiwick, to appear before the judge of our circuit court of the United States of America, in and for the district of Arkansas, at the court-house in the city of Little Rock, on the first day of our April term next, to testify, and the truth to say, in behalf of the United States of America, in a certain matter of controversy, in our said court depending, between the said United States, plaintiff, and James L. Dawson, defendant. And this you shall in no wise omit. And have then there this writ.

In testimony whereof Roger B. Taney, Chief Justice of the United States, hath caused the seal of said court to be hereunto affixed, this 22d day of December, A. D. 1852, and in the 77th year of our independence.

[L. S.]

Attest: WM. FIELD, *Clerk.*

I do hereby certify that I executed the within subpœna on the within named Geo. W. Baldwin, on the 8th day of February, A. D. 1853, at the North Fork, in the Creek nation, near the Canadian river, in the western district of Arkansas, by then and there reading the contents thereof in his presence and hearing.

Service of writ - - - - - -	$0 50
180 circular miles from Van Buren to N. Fork	9 00
320 from Little Rock to Van Buren - -	16 00
	$25 50

GEO. W. KNOX, *U. S. M.*,
Western district of Arkansas.
By W. S. PRYOR, *Deputy.*

Van Buren, February 14.

Filed 21st February, 1853.
Attest: WM. FIELD, *Clerk.*

The President of the United States of America, to the marshal of the eastern district of Arkansas, greeting:

You are hereby commanded to summon George W. Baldwin and Hennett Savage, if they be found within your bailiwick, to appear before the judge of our circuit court of the United States of America, in and for the district of Arkansas, at the court-house in the city of Little Rock, on the first day of our April term next, to testify, and the truth to say, in behalf of the United States of America, in a certain matter of indictment in our said court depending, between the United States of America, plaintiffs, and James L. Dawson and John R. Baylor, defendants. And this you shall in no wise omit. And have then there this writ.

In testimony whereof Roger B. Taney, chief justice of the United States, hath caused the seal of said court to be hereunto affixed, this 5th day of January, A. D. 1853, and in the 77th year of our independence.

[SEAL.]

Attest: WM. FIELD, *Clerk.*

"I certify that [I] executed the within writ by reading the same in the presence and hearing of the within named Hennett Savage on the 16th April, 1853, at the city of Little Rock, in the eastern district of Arkansas. And I further certify that the within named George W. Baldwin is not to be found in my bailiwick.

L. CHASE,
U. S. Marshal eastern district,
By C. ARYLIFFE,
Deputy Marshal."

Fees—service, 50
mileage, 6
56

"Filed, 18th April, 1853.

WM. FIELD, *Clerk.*"

The President of the United States of America, to the marshal of the district of Texas, greeting:

You are hereby commanded to summon Augustus Jones, P. W. Huddleston, and T. P. Long, if they be found within your bailiwick, to appear before the judge of our circuit court of the United States of America, in and for the eastern district of Arkansas, at the court-house in the city of Little Rock, on the first day of our April term next, to testify, and the truth to say, in behalf of the United States of America, in a certain matter of controversy in our said court depending, between the said United States, plaintiff, and James L. Dawson, indicted for murder, *is* defendant. And this you shall in no wise omit. And have then there this writ.

In testimony whereof Roger B. Taney, chief justice of the United States, hath caused the seal of said court to be hereunto affixed, this 15th day of February, A. D. 1853, and in the 77th year of our independence.

[SEAL.]

Attest: WM. FIELD, *Clerk.*

"Rec'd, March 7th, 1853, and on the 29th of the same month executed by reading this subpœna to Augustus Jones and P. W. Huddleston in person. T. P. Long not found in this bailiwick.

H. K. JUDD,
Deputy U. S. Marshal,
For J. BATES,
U. S. Marshal.

The President of the United States of America, to the marshal of the Arkansas western district, greeting:

You are hereby commanded to summon B. Nordheimer and James Buryhill, if they be found within your bailiwick, to appear before the judge of our circuit court of the United States of America, in and for the district of Arkansas, at the court-house in the city of Little Rock, on the first day of our April term next, to testify, and the truth to say, in behalf of James L. Dawson, in a certain matter of controversy in our said court depending, between the United States of America, plaintiffs, and the said Dawson, (indicted for murder,) *is* defendant. And this you shall in no wise omit. And have then there this writ.

In testimony whereof Roger B. Taney, chief justice of the United States, hath caused the seal of said court to be hereunto affixed, this 21st day of February, A. D. 1853, and in the 77th year of our independence.

[SEAL.]

Attest: WM. FIELD, *Clerk.*

"I do hereby certify that I executed the within subpœna on James Buryhill in the Creek nation, western district of Arkansas, on the 23d day of March, A. D. 1853, by leaving a copy at his house or residence; said B. Nordheimer not to be found in my bailiwick, (gone to California.)

GEO. W. KNOX,
U. S. Marshal western district, Arkansas.

Serving writ by leaving copy	50
Non est B. Nordheimer - -	25
230 miles' travel, from Little Rock to Buryhill, at 6 cts.,	13 80
	$14 55

"Filed, 12th April, 1853.

WM. FIELD, *Clerk.*

The President of the United States of America, to the marshal of the Arkansas western district, greeting:

You are hereby commanded to summon James McHenry, if he be found within your bailiwick, to appear before the judge of our circuit court of the United States of America, in and for the district of Arkansas, at the court-house in the city of Little Rock, on the first day of our April term next, to testify, and the truth to say, in behalf of James L. Dawson, in a certain matter of controversy, in our said court depending, between the United States of America, plaintiff, and the said Dawson, (indicted for murder,) *is* defendant. And this you shall in no wise omit. And have then there this writ.

In testimony whereof Roger B. Taney, chief justice of the United States, hath caused the seal of said court to be hereunto affixed, [L. S.] this 21st day of February, A. D. 1853, and in the 77th year of our independence.

Attest: WM. FIELD, *Clerk.*

I do hereby certify, that I executed the within subpœna on James McHenry, on the 30th day of March, 1853, by reading the contents in his presence and hearing. Done in the Creek nation, western district of Arkansas.

GEO. W. KNOX, *U. S. marshal.*
By C. PERKINS, *Special deputy.*

Subscribed and sworn to before me, this 9th April, 1853.

CHAS. A. HINKLEY,
Com'r circuit court, dist. Ark.

Serving subpœna - - - - -	$0 50
160 miles from L. Rock to Van Buren.	
135 miles travel from Van Buren to —— where the said Henry was found.	
295 miles, at 6 cts., - - - - -	17 70
	$18 20

Filed 12th April, 1853.

WM. FIELD, *Clerk.*

The President of the United States of America, to the marshal of the western district of Arkansas, greeting:

You are hereby commanded to summon James Logan, if he be found within your bailiwick, to appear before the judge of our circuit court of the United States of America, in and for the district of Arkansas, at the court-house in the city of Little Rock, on the first day of our April term next, to testify, and the truth to say, in behalf of the United States of America, in a certain matter of controversy, in our said court depending, between the United States of America, plaintiff, and James L. Dawson, (indicted for murder,) *is* defendant. And this you shall in no wise omit. And have then there this writ.

In testimony whereof, Roger B. Taney, chief justice of the United States, hath caused the seal of said court to be hereunto [L. S.] affixed, this 4th day of March, A. D. 1853, and the 77th year of our independence.

Attest: WM. FIELD, *Clerk.*

I do hereby certify, that I executed the within subpœna on James Logan, in Scott county, western district of Arkansas, on the 31st day of March, 1853, by reading the contents in his presence and hearing.

GEO. W. KNOX, *U. S. marshal, west. dist. Ark.*
By JOHN T. WILLIS, *Special deputy.*

Serving subpœna - - -	$0 50
160 miles from L. Rock to Van Buren.	
50 miles travel from Van Buren to James Logan.	
210 miles from L. Rock to Logan's - . - -	12 60
	$13 10

Filed 11th April, 1853.

WM. FIELD, *Cl'k.*

THE UNITED STATES OF AMERICA,
Eastern district of Arkansas, sct.

I, William Field, clerk of the circuit court of the United States for the eastern district of Arkansas, do certify, that the foregoing eighteen and one-half pages in manuscript, and the six subpœnas thereto attached, is a full and complete transcript of the record and papers in the case of the United States against James L. Dawson and John R. Baylor, indicted for murder, as appears on record and file in my office.

In testimony whereof I have hereto set my hand as clerk, and affixed the seal of said court, this 5th day of October, A. D. 1853, [L. S.] and the 78th year of American independence.

Attest: WM. FIELD, *Clerk.*